

Introduced by Senator Walters

February 12, 2013

An act to amend Sections 38601 and 38603 of, and to repeal Section 38604 of, the Vehicle Code, relating to recreational off-highway vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 234, as introduced, Walters. Recreational off-highway vehicles.

(1) Existing law establishes rules for the operation of off-highway vehicles, including specified requirements governing the operation of recreational off-highway vehicles. Existing law prohibits a person from allowing a passenger in a recreational off-highway vehicle unless the passenger is wearing a safety helmet.

This bill would make this prohibition inapplicable to a child who is secured in an appropriate child passenger restraint system meeting specified requirements.

(2) Existing law prohibits a person who is operating a recreational off-highway vehicle from allowing a passenger to occupy a separate seat location not designed and provided by the manufacturer for a passenger.

This bill would make these provisions applicable only to a recreational off-highway vehicle with a model year of 2014 or later. For vehicles with a model year of 2013 or earlier, the bill would allow seats that are installed in a separate seat location not designed and provided by the manufacturer for a passenger to be occupied if the occupant of the seat is fully contained inside of the vehicle's rollover protection structure at all times while the vehicle is being operated.

(3) Existing law prohibits a person from operating a recreational off-highway vehicle from riding with a passenger, unless the passenger,

while seated upright with his or her back against the seatback, can grasp the occupant handhold with the seatbelt and shoulder belt or safety harness properly fastened while seated upright.

This bill would repeal these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38601 of the Vehicle Code is amended
2 to read:

3 38601. (a) A person shall not operate, or allow a passenger
4 in, a recreational off-highway vehicle unless the person and the
5 passenger are wearing safety helmets meeting the requirements
6 established for motorcycles and motorized bicycles pursuant to
7 Section 27802.

8 (b) *Subdivision (a) does not apply to a child who is secured in*
9 *an appropriate child passenger restraint system meeting the*
10 *requirements of Article 3.3 (commencing with Section 27360) of*
11 *Chapter 5 of Division 12.*

12 SEC. 2. Section 38603 of the Vehicle Code is amended to read:

13 38603. (a) A person operating a recreational off-highway
14 vehicle *with a model year of 2014 or later* shall not allow a
15 passenger to occupy a separate seat location not designed and
16 provided by the manufacturer for a passenger.

17 ~~(b) This section shall become operative on July 1, 2013.~~

18 (b) *Seats that are installed in a separate seat location not*
19 *designed and provided by the manufacturer for a passenger in*
20 *vehicles with model year of 2013 or earlier may be occupied by a*
21 *passenger if the occupant of the seat is fully contained inside of*
22 *the vehicle's rollover protection structure at all times while the*
23 *vehicle is being operated.*

24 SEC. 3. Section 38604 of the Vehicle Code is repealed.

25 ~~38604. A person operating a recreational off-highway vehicle~~
26 ~~shall not ride with a passenger, unless the passenger, while seated~~
27 ~~upright with his or her back against the seatback, can grasp the~~
28 ~~occupant handhold with the seatbelt and shoulder belt or safety~~
29 ~~harness properly fastened.~~

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